

### **REMARKS**

This Preliminary Amendment responds to the Action mailed September 12, 2007.

Applicants thank the Examiner for allowing claim 7.

Applicants have amended claim 1 based on the disclosure, for example, at page 7, lines 10-25, and FIGS. 1 and 2 of the application.

Claims 1, 2 and 6 have been rejected under 35 USC 103(a) as unpatentable over U.S. Patent No. 5,584,475 (Asada). Applicants respectfully traverse this rejection.

Claim 1 as amended recites a pad comprising a lower layer made of a flexible material and an upper layer disposed on the lower layer and made of a rigid material and states that the pad is configured within the apparatus so that sheets traveling between the driver roller and the pad do not come in contact with any flexible material that has a kinetic friction coefficient higher than the rigid material of the upper layer. The claimed structure avoiding contact between the traveling sheets and a flexible material with a high friction coefficient eliminates variations in traveling speed of the sheets otherwise observed. See, page 10, lines 10-15, and FIGS. 4A and 4B of the application.

Asada's holder member 5, which the Examiner seems to equates to the claimed pad, includes separation pad 5A having a high coefficient of friction on the upstream side and support element 45, which the Examiner equates to the claimed lower layer made of a flexible material, on the downstream side. Asada's separation pad 5A is in contact with sheets traveling between Asada's driver roller 4 and the pad 5. See column 5, lines 49-65, and FIG. 4 of Asada. Asada's separation pad 5A and support element 45 are made of the same material. See column 6, lines 11-12, of Asada. Furthermore, the material of the separation pad 5A is required to have a coefficient of friction higher than noise deadening control portion 26, which the Examiner equates to the claimed upper layer. See column 5, lines 57-60, of Asada.

Applicants distinguished the structure of claim 1 over Asada based on the above structure in the Amendment filed June 22, 2007. In response, the Examiner contends "that 45 and 5A are

two separate parts, and the sheet never comes into contact with part 45.” See Response to Arguments.

The Examiner does not deny applicants’ argument that Asada’s separation pad 5A is in contact with sheets or that the material of the separation pad 5A is required to have a coefficient of friction higher than noise deadening control portion 26. Claim 1 as amended states that the pad is configured within the apparatus so that sheets traveling between the driver roller and the pad do not come in contact with any flexible material that has a kinetic friction coefficient higher than the rigid material of the upper layer. Since Asada’s separation pad 5a comes in contact with the sheets on the side of the pad 5 and has a kinetic friction coefficient higher than the rigid material of the upper layer 26, Asada does not disclose this limitation of claim 1. The Examiner does not explain why persons of ordinary skill in the art would have modified Asada’s apparatus to produce the claimed apparatus.

The rejection of claims 1, 2 and 6 under 35 USC 103(a) over Asada should be withdrawn because Asada does not teach or suggest the claimed invention as a whole.

The remaining obviousness rejection relies on Asada and thus should be withdrawn as well because Asada does not provide the teachings for which it is cited.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to  
**Deposit Account No. 03-1952**, referencing Docket No. **204552029100**.

Respectfully submitted,

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